

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	No. 20-CR-10098-WGY
)	
)	
VERONICA ZEA,)	<u>FILED UNDER SEAL</u>
)	
Defendant)	

SENTENCING MEMORANDUM OF THE UNITED STATES

On October 8, 2020, defendant Veronica Zea pleaded guilty to each count in an Information charging her with conspiracy to commit cyberstalking, contrary to 18 U.S.C. § 2271A(2) and in violation of 18 U.S.C. § 371 (Count 1), and witness tampering conspiracy, contrary to 18 U.S.C. § 1512(b)(3) and in violation of 18 U.S.C. § 371 (Count 2). The Probation Office’s Presentence Investigation Report assigns Zea to a total offense level of 19 and a Criminal History Category of I.¹ The corresponding guidelines sentencing range (“GSR”) is 30 to 37 months.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] after evaluating the factors set forth at 18 U.S.C. § 3553(a), the government requests that the Court sentence Zea to 2 years’ probation, with the

¹ Citations to Zea’s Presentence Investigation Report (or PSR) appear below as “¶ ____.”

first twelve months of her probationary term to be served in home confinement, a \$5,000 fine, and a \$200 special assessment.

I. The Offense

In August 2019, Zea was 25 years old and a contract employee within eBay's Global Intelligence Center ("GIC"), an intelligence and analytics group that supported eBay's security operations. (¶ 7e). Zea was in her first job out of college, having earned a degree in criminology from American University in 2016. (¶ 190). Zea had worked for companies contracted to eBay since May 2017 and was earning approximately \$105,000 per year in salary. (¶ 7e). She reported through Stephanie Popp and Stephanie Stockwell—managers of the GIC—to Jim Baugh, eBay's Senior Director of Safety & Security, who (at age 44) was approximately 19 years older than her. (¶¶ 7a, d).

Victims 1 and 2—wife and husband—lived in Natick. They were the reporter and publisher, respectively, of an online newsletter ("the Newsletter") that covered ecommerce companies, including eBay. (¶¶ 8-9). Members of eBay's Executive Leadership Team, including the company's CEO and its Chief Communications Officer ("CCO"), were frustrated with both the Newsletter's reporting and with "Fidomaster", an online persona who was critical of eBay and the CEO in particular. (¶¶ 26, 31).

By June 2019, Baugh was frustrated enough with the Victims to place a late-night "hang-up" phone call to them (¶ 23), and to dispatch to Natick a member of his security team, a former Santa Clara Police Department captain named Brian Gilbert. Late at night on June 8, 2019, Gilbert scrawled "Fidomaster" in permanent marker on the Victims' fence. (¶ 22). In June and July 2019, Baugh tasked Zea, Stockwell, and others in the GIC with monitoring the Newsletter's posts in real time, 24 hours per day, and forwarding them to Baugh. (¶ 24). In late July 2019,

believing that Fidomaster or the Victims would be traveling to Las Vegas for an eBay seller conference, Baugh sent Zea and Gilbert to the airport to film all of the arriving passengers deplaning from a particular flight. (¶ 25).

The Harassment and Intimidation Campaign

In August 2019, after Victim 1 reported in the Newsletter on a lawsuit between eBay and Amazon, the CEO sent the CCO a text message suggesting that it was time to “take [Victim 1] down”. The CCO immediately sent Baugh the same text message, and another labeling Victim 1 a “biased troll who needs to get BURNED DOWN”. (¶ 26). In response, Baugh weaponized eBay’s security department, targeting Victims 1 and 2 with a three-part harassment and intimidation campaign. (¶¶ 27-83). As indicated below, Zea had a role in some parts of the campaign (but not all of it).

On August 7, 2019, at Baugh’s direction (and without Zea’s knowledge or involvement), Victim 1 began to get anonymous, harassing messages on her Twitter account. (¶ 32). The messages, which featured a skeleton mask intended to scare Victim 1, criticized the Newsletter’s coverage of eBay (“What’s your problem with eBay? You know that’s how we pay rent.”); were frequently vulgar (“Stop hiding behind ur computer screen u fucking cunt”); and at times threatened violence (“wen u hurt our bizness u hurt our familiys...Ppl will do ANYTHING 2 protect family!!!!”). (¶¶ 30, 32, 35, 50).

At the same time, again at Baugh’s direction but with Zea, Stockwell, and others’ involvement, the Victims also began to receive anonymous deliveries at their home. Some were gross, such as fly larvae, cockroaches, and spiders. (¶¶ 36, 49). Others were embarrassing, including pornography addressed to Victim 2 at his neighbors’ homes. (¶ 37). The most

concerning of them were threatening—a funeral wreath and a book entitled Surviving the Loss of a Spouse. (¶¶ 45, 48).

Baugh directed these deliveries by WhatsApp, an encrypted messaging application. For example, on August 12, 2019, he messaged Stockwell, co-defendants Stephanie Popp and Veronica Zea, and others:

Starting now through Tuesday night double our effort on everything. Spam, house deliveries, etc. I don't want anything delivered on Thursday, so the cutoff should be Wednesday night – wake them up with a limo driver or something and then everything goes cold Thursday morning. ... Take down all Craigslist posts late Wednesday night. Stop Spam late Wednesday night. etc.

(¶ 44).

The Twitter messages escalated to include the publication of the Victims' home address on the internet, online advertisements for consensual sexual encounters there, and statements that the harasser was going to “pay [Victim 1] a visit”. (¶¶ 71, 75). The messages also made clear that their antagonist was responsible for the harassing deliveries. (¶ 70) (“U get my gifts cunt!??”).

Victim 1's email inbox also began to overflow with dozens of bizarre emails from, among other groups: an Irritable Bowel Syndrome patient support group; Scientology Today; The Satanic Table; the Communist Party of the United States, a sex and relationship coaching website, the Submissive Guide, and Adam & Eve, an adult products website. Victim 2 later received a phone call from Adam & Eve responding to his purported interest in a sex toys franchise—an interest he had never expressed. (¶ 34).

Baugh planned the threatening messages and deliveries in meetings with eBay employees and contractors who reported to him. (¶¶ 27-28). He directed them to use prepaid debit cards, disguises, overseas email accounts, WhatsApp (instead of eBay's email network), non-eBay

computers, and Virtual Private Networks—all to assure that the campaign could not be traced back to him, to his coconspirators, or to eBay. (¶¶ 13, 29, 33, 36). He directed Zea and another GIC staffer, for example, to go out in disguise to purchase prepaid debit cards that could be used to make anonymous purchases. (¶ 33).

On August 11, 2019, Baugh recruited Dave Harville—eBay’s Director of Global Resiliency—to travel with him (and Zea) to Boston on a surveillance “op” targeting Victim 1 and the Newsletter. Baugh made the illegal purpose of the trip clear, telling Harville that Baugh had been ordered to “find and destroy”, and to “neutralize” Victim 1’s website. Harville acknowledged: “Copy. Totally black[.] I’m deleting this now.” (¶¶ 42-43). Baugh, Harville and Zea needed an alibi for the trip—a software development conference taking place in Boston. They also took with them an eBay document (prepared by Stockwell at Baugh’s direction) that falsely identified the Victims as a security threat—“in case we got stopped..that way would at least have something to show to PD”. (¶¶ 52, 59, 80).

On August 14, 2019, Baugh, Harville, Zea, Gilbert (and later Popp) met to discuss the surveillance trip to Boston, which would involve the installation of a GPS device on the Victims’ car. At the meeting, Baugh directed Zea to stop the harassing deliveries so that they would not interfere with the surveillance effort. (¶ 51). Baugh also sent Zea out to purchase permanent markers that could be used to vandalize the Victims’ home again—they went unused. (¶ 52).

On August 15, 2019, Baugh, Harville, and Zea traveled to Boston. (¶ 55). Before doing so, Harville obtained the Victims’ license plate number from Stockwell (¶ 56) and downloaded an app to his phone that could be used to monitor the “Natick Police and Fire Live Audio Feed”. (¶ 54). Upon arriving, Baugh, Harville, and Zea went right to the Victims’ home: once late at night on August 15 in a failed attempt to install a GPS device on the Victims’ car—it was locked

in the garage—and again on August 16 to surveil the Victims and to follow Victim 2 as he drove in Natick. (¶¶ 57, 61, 63). Zea was a passenger in the surveillance cars. After failing to install the GPS device, Harville purchased equipment at a local hardware store to break into the Victims’ garage. (¶ 60).

Despite the surveillance team’s precautions, Victim 2 was able to take a picture of their license plate, leading Baugh to return the “burned” rental van. (¶¶ 72, 78). Baugh, Harville, and Zea returned to their hotel’s bar, where Baugh and Harville joked about what else could be delivered to the Victims, including a bag of human feces, a running chainsaw, and a rat. Baugh also called Stockwell (who was back in California) and directed her to resume the harassing deliveries, even though Baugh already knew the Victims were terrified. (¶¶ 65-66). That evening, either Zea or Stockwell ordered pizza for delivery to the Victims’ home at 4:30 a.m. (¶ 67).

Baugh appreciated the impact his campaign had on the Victims. On August 20, after hearing a police dispatch regarding the failed surveillance, Baugh quipped to Stockwell and another GIC analyst “now they are seeing ghosts, think everyone is following them and they call the police every 10 minutes”. The next day, referring to a plan to harass “an idiot prosecutor in my hometown who brought a bullshit case against my Dad,” Baugh added, “If I gave him an ounce of what we’ve been giving the [Victims], it would be devastating to him.” (¶ 83).

The Obstruction

By August 21, 2019, with the Victims’ help, the Natick Police Department (“NPD”) had connected Harville and Zea—who had rented surveillance cars—to the surveillance. An NPD detective went to the lobby of Boston’s Ritz Carlton Hotel to interview Zea. Zea falsely told the detective over the phone that she could not meet with him for an hour. (¶ 84). When the

detective called Zea again on her cell phone, Baugh took the phone, falsely claimed to be Zea's husband, and (in Baugh's words) "played dumb". (¶ 84). In response, the detective reached out to eBay for help investigating the harassment of the Victims. Popp instructed Zea to take down her LinkedIn profile, which listed Zea's connection with eBay. (¶ 86).

Baugh attempted to dispatch to GIC employees, Analyst 1 and Analyst 2, to support his efforts to continue the harassment campaign and to obstruct the police investigation. Analyst 1 quit; Baugh fired Analyst 2 when she refused to go. (¶ 73).

Baugh then sent defendant Gilbert (the retired Santa Clara police captain) from California to Natick to meet with the NPD, and to report (falsely) that eBay was investigating the harassment of the Victims, not participating in it. (¶ 112). To support this ruse, Baugh directed defendant Popp to post more Twitter messages threatening the Victims. (¶ 91).

After learning that the NPD was investigating the use of a prepaid debit card at a Safeway supermarket in the Bay Area to purchase one of the harassing deliveries to the Victims, Baugh directed Stockwell to "pin the safeway card" on someone else by preparing a document featuring eBay "Persons of Interest" in the Bay Area, which could be used to deflect attention from Zea, the co-defendant who used that debit card. (¶¶ 98-99). Stockwell created the document, "Bay Area POIs_August 2019.docx," and emailed it to Baugh, who passed it along to Gilbert to provide to the NPD. (¶ 101). Zea, of course, was not listed.

Baugh, Gilbert, Popp, and Cooke were also aware that eBay was attempting to gather information in response to the NPD's request for assistance. (¶ 104). Armed with this knowledge, on August 26, 2019, Baugh directed Harville, Popp, Gilbert, and Zea to keep their phones "clean" (*i.e.*, to delete evidence concerning the harassment of the Victims and the surveillance operation in Natick, including WhatsApp messages). (¶ 121). Baugh also

dispatched Popp to sit in on telephone interviews of Stockwell and Zea (without disclosing that Popp was in the room listening to the questions), so that Popp could give visual cues as to how Stockwell and Zea might best answer the questions. (§ 120). At Baugh and Popp's direction, Zea stuck to a cover story that Baugh, Gilbert, Popp, and Cooke had developed. Baugh, Harville, and Zea also sent to eBay's lawyers an altered email related to the software development conference—the alibi conference—so that their purported registration fit better the timeline of their travel. (§ 119).

Baugh falsely denied to eBay investigators that eBay personnel had any role in the harassment of the Victims. (§ 116). Harville, for his part, falsely denied having been to Natick, or having had any interactions with the Victims or the NPD. (§§ 114, 118).

[illegible]

[illegible]

III. The Requested Sentence

In the government's view, Zea's role in a serious offense [REDACTED] might under other circumstances still counsel a custodial term. The terror the Victims experienced as a result of the defendants' harassment and intimidation campaign—even just the parts in which Zea participated most directly—is plain from the Victims' Impact Statements. The government's [REDACTED] recommendation of 30 months (reflected in the plea agreement) correctly captures the nature and circumstances of the offense. Zea and her coconspirators targeted the Victims from behind keyboards with conduct that was unimaginably cruel. That they did to interfere with what the Victims were writing in an online newsletter about ecommerce is, as the Court has noted, abhorrent to First Amendment values. That several well-paid employees of a Fortune 500 company's security department concluded that their conduct was somehow in bounds counsels a sentence that would deter others from engaging in online and real-world harassment in service of a corporate objective.

Ultimately, for four reasons, the government recommends for Zea a non-custodial sentence of two year' probation, with the first twelve months of that term to be served in home confinement (and the required \$200 special assessment), the payment of a \$5,000 fine, and mental health testing and treatment at the direction of the Probation Office.

First, as noted above, Zea (along with Stockwell) was among the least culpable participants in the charged conspiracies. Zea was involved in the sending of harassing and intimidating packages. (¶¶ 28, 33, 44). She had little to no visibility into the threatening Twitter messages that Baugh, Popp, Cooke, and Gilbert were sending to Victims 1 and 2 at the same

time. Although it does not excuse her conduct, Zea did what others directed. Baugh instructed the “how” of the harassment. (¶ 12 (“Starting now through Tuesday night double our effort on everything. Spam, house deliveries ... a limo driver or something ... Take down all Craigslist posts late Wednesday night, etc.”)). At Baugh’s direction, Zea registered herself and Harville for the alibi conference; sent harassing deliveries; rented surveillance cars; and purchased markers that could be used to vandalize the Victims’ home. At Baugh’s direction, she ducked away from the NPD’s attempt to interview her and lied to eBay investigators. There were other defendants who showed initiative beyond Baugh’s directions, including Gilbert’s drafting of threatening Twitter messages (¶ 75) and Popp’s continuing to post messages to leave the impression that the Victims’ harassers were still at large (¶ 129).

Second, the Court previously sentenced Stockwell to the probationary and home confinement term that the government seeks here. The two women’s conduct and culpability are comparable. Their sentences should also be comparable, with the exception of a nominal fine (which Zea appears able to pay where Stockwell did not).

Third, as with Stockwell, there was a gross disparity in power between Baugh—the organizer and leader of the conspiracy—and Zea. Zea had no professional experience prior to joining Baugh’s department at eBay—experience that might have made the instructions to her to monitor the Victims’ Newsletter day and night, or to travel to an airport and film deplaning passengers, seem inconsistent with legitimate security operations. The mass layoffs in the GIC and Baugh’s instruction not to report problems at eBay to her contracting company should also have set off alarm bells—as Zea acknowledges—but she had no relevant experience to use to evaluate that instruction. Zea had no government experience (Baugh); had not served for 20 years as a police officer (Cooke and Gilbert); had no military police experience (Harville); and

had not even worked in security at another large company (Popp). The Court can and should take into account the environment that Zea and other former GIC employees describe as they relate to Zea's decision-making, even though other employees (like Analysts 1 and 2) ultimately made the correct decision to walk away.

Finally, as revealed by documents that Zea has provided to the government, the Court, and the Probation Office, Zea has significant mental health concerns (and likely had them during her commission of the offenses). These include, according to treating healthcare professionals: anxiety, depression, ADHD, and autism spectrum disorder. The diagnosis of autism spectrum disorder is consistent with the government's interactions with Zea during her initial proffer (in which Zea herself noted she came across as seeming "cold" to the facts under investigation—Exhibit A to Docket 103). As the government noted at Stockwell's sentencing, this is not to say that a diagnosis of autism spectrum disorder or other mental health condition excuses Zea's or any defendant's illegal conduct. A felony conviction, a nominal fine, and a term of home confinement appropriately follow what Zea knowingly did in this case. But the government does credit that Zea was more susceptible to the aura of legitimacy that Baugh was projecting.

IV. Conclusion

For all of these reasons, the United States respectfully requests that the Court impose a sentence of two years' probation, a special assessment of \$200, a \$5,000 fine, and require that Zea serve the first twelve months of her probationary term on home confinement.

Respectfully submitted,

RACHAEL S. ROLLINS
United States Attorney

by: /s/Seth B. Kosto
SETH B. KOSTO
Assistant U.S. Attorney
One Courthouse Way
Boston, Massachusetts 02210

November 1, 2022
Boston, Massachusetts

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that this sealed sentencing memorandum was sent by electronic mail message to counsel for the defendant on November 1, 2022.

/s/Seth B. Kosto

SETH B. KOSTO

Assistant U.S. Attorney

Boston, Massachusetts

November 1, 2022